

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 25-27, 29-32, 34, 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Simola (US 7,335,838).

Simola discloses a magnetic shield panel comprising: a magnetic shield member (2, 3) made of magnetic material; a metallic plate (1) to which the magnetic shield member is attached; and a holding member (6) for holding the magnetic shield member so as to avoid deflection of the magnetic shield member.

Re claim 26, wherein the holding member is an elastic member for stretching the magnetic shield member in the longitudinal direction thereof (Fig 5).

Re claim 27, wherein the holding member is a heat insulating member positioned close to the magnetic shield member (Fig 5).

Re claim 29, further comprising a hollow pillar member (11) for connecting a plurality of magnetic shield panels to each other (Fig 4), the hollow pillar member having a magnetic shield member (9) therein.

Re claim 30, wherein the heat insulating member is made of refractory material (Fig 5).

Re claim 31, wherein the number of the metallic plates is not less than two (Fig 5).

Re claim 32, wherein the magnetic shield member is arranged substantially in parallel with the direction of a magnetic field (Fig 5).

Re claim 34, wherein engaging portions are provided at both end portions of the magnetic shield member, and the magnetic shield member is formed into a substantial I-shape.

Re claim 35, wherein the metallic plate is made of material selected from a group including iron, steel, copper, aluminum, stainless steel, galvanized steel and aluminum-galvanized steel (col. 12, lines 29, 30).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16, 18-24, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simola (US 7,335,838).

The features of claims 15, 16, 18, 19, 21, 22, 24 were discussed above

The teaching as discussed above does not disclose plate member being translucent (re claim 14), the wave shielding member is a metallic mesh (re claim 20), engaging portions are provided at both end portions of the magnetic shield member, and the magnetic shield member is formed into a substantial Z-shape (re claim 23, 33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the structure of Simola by employing translucent material or metallic mesh for intended use, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the structure of Simola by employing a Z-shape for

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intended use since more than a mere change of form is necessary for patentability. In re Span-Deck Inc. v. Fab-Con, Inc. (CA 8, 1982) 215 USPQ 835.

### ***Response to Arguments***

Applicant's arguments with respect to claims 14, 25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

Claims 17, 28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung V. Ngo whose telephone number is (571) 272-1979. The examiner can normally be reached on Monday to Friday 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2800 EXT 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung V Ngo/  
Primary Examiner, Art Unit 2831